

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 14-10297-IT
)	
(1) DUANE GOMEZ,)	
a/k/a "Go-Go" and "G")	
Defendant.)	

SECOND AMENDED FINAL ORDER OF FORFEITURE

TALWANI, D.J.

WHEREAS, on October 9, 2014, a federal grand jury sitting in the District of Massachusetts returned a one-count Indictment charging defendant Duane Gomez, a/k/a "Go-Go," and "G" (the "Defendant"), with Conspiracy To Distribute Heroin, in violation of 21 U.S.C. § 846 (Count One);

WHEREAS, the Indictment also contained a forfeiture allegation, pursuant 21 U.S.C. § 853, which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of the offense alleged in Count One of the Indictment, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense; and any and all property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense;

WHEREAS, on May 21, 2015, the United States filed a Bill of Particulars for Forfeiture of Assets, providing notice of specific property that the government intended to forfeit pursuant to 21 U.S.C. § 853, as a result of violations of 21 U.S.C. § 846, and the Bill of Particulars identified any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense; and any and all property used or intended to be used, in any manner or part, to

commit, or to facilitate the commission of, the offense, including but not limited to the following;

- (a) one red 2007 Honda CBR100 Motorcycle, bearing vehicle identification number JH2SC5703M303593, Massachusetts License plate 1L6953 (the "Motorcycle").¹

WHEREAS, the Indictment further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on June 23, 2015, the Defendant pled guilty to Count One of the Indictment on June 23, 2015, the Defendant pled guilty to Count One of the Indictment;

WHEREAS, on September 2, 2015, this Court issued a Preliminary Order of Forfeiture against the Motorcycle, pursuant to 21 U.S.C. § 853, and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

WHEREAS, on September 24, 2015, a sentencing hearing was held whereby this Court sentenced the Defendant to 87 months incarceration, to be followed by a term of 4 years supervised release, and ordered the Defendant to pay a special assessment of \$100, and in addition, this Court ordered the Defendant to forfeit the Motorcycle, pursuant to the terms of the Preliminary Order of Forfeiture;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar

¹ The correct description is one red 2007 Honda CBR1000RR Motorcycle, bearing vehicle identification number JH2SC57037M303593, Massachusetts License plate 1L6953.

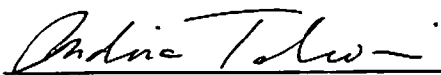
days, beginning on January 6, 2016, and ending on February 4, 2016;

WHEREAS, notice of the Preliminary Order of Forfeiture was re-published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on July 12, 2016, and ending on August 10, 2016, which included the correct description of the Motorcycle; and

WHEREAS, no claims of interest in the Motorcycle have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for a Second Amended Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Motorcycle, and it is hereby forfeited to the United States of America pursuant to 21 U.S.C. § 853, and Rule 32.2(c) of the Federal Rules of Criminal Procedure.
3. This Court shall retain jurisdiction in the case for the purpose of enforcing this Order.
4. All other parties having any right, title or interest in the Motorcycle are hereby held in default.
5. The United States Marshals Service is hereby authorized to dispose of the Motorcycle in accordance with applicable law.


INDIRA TALWANI
United States District Judge

Dated: 9/6/16